IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 9TH MARCH 2007 / 18TH PHALGUNA 1928

Crl.Rev.Pet.No. 508 of 1999(C)

CRA.121/1995 of SESSIONS COURT, ALAPPUZHA
CC.180/1992 of JUDL.MAGISTRATE OF FIRST CLASS, AMABALAPUZHA
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REVN. PETITIONER:

SAKEER, S/O. HAMEED KUNJU,
PATHIL VEEDU, WARD NO. 14,
PUNNAPRA PANCHAYAT

BY ADV. SRI.S.SANAL KUMAR

RESPONDENTS:

THE STATE REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY ADV. SRI. C.M. KAMMAPPU, PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 09/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL. M.P. NO. 2205/1999 IN CRL. R.P. NO. 508/1999

DISMISSED

09.03.2007 SD/- K.R. UDAYABHANU, JUDGE.

/True Copy/

P.A to Judge.

K.R. UDAYABHANU, J

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CRL. R.P. NO. 508 OF 1999

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Dated this the 9th day of March 2007

O R D E R

The revision petitioner stands convicted for the offences under Sections 323 and 447 of the Indian Penal Code and sentenced, as modified by the appellate court to undergo simple imprisonment for three months each. The prosecution case is that on 03.06.1992 at about 5.30 a.m. the petitioner had tresspassed into the courtyard of CW1 and kicked and fisted him. PW2, the injured and PW3 and 4 the occurrence witnesses have testified with respect to the incident. There was an electric light in front of the house of PW2 and hence PWs 2, 3 and 4 could identified the accused. No controvertion or omission has been brought out with the previous statement of the above witnesses in the cross examination of Investigating Officer. Hence, I find that the courts below have rightly held that the accused is the guilty of the offences alleged. I find no reason to interfere in exercise of the revisional jurisdiction. The conviction is affirmed.

2. Considering the fact that the incident had taken place for about one and half decades back and the accused was then aged only 19, sentence is modified to imprisonment till rising of the court and to pay a compensation of Rs.5,000/- to PW2 vide section 357(3) Cr.P.C and in default to undergo simple imprisonment for three months. No separate sentence is awarded for the offences under section 447 IPC. The revision petitioner shall appear before Judicial First Class Magistrate, Ambalapuzha on **11.04.2007** to receive sentence. Non bailable warrant is not to be executed till then.

The Crl. R.P is disposed of accordingly.

K.R. UDAYABHANU, JUDGE.

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